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United States Department of the Interior
Fish and Wildlife Service
Post Office Box 1306
Albuquerque, New Mexico 87103

FAX TRANSMISSION

Date: _11 - 7 - 96_   Pages: _2_ (including this cover)

From: _Jim Lewis_

Office of Ecological Services, Region 2
Phone Number: (505) 248-6920/6786
Fax Number: (505) 248-6922

TO: _Bea Ohline_

Fax Phone Number: _883 - 6711_
Office:
Room Number:
Phone Number:

Subject: _Antelope_

Remarks:

Any Problems With Transmission or Copy Quality,
Please Call the Person Who Sent the Fax

Talked to Renne Lohoefener and he spoke with Jamie Clark. They advised we cannot avoid arming the AF with every possible tool to avoid take of endangered species. A letter is needed, signed by Nancy, providing the frequencies made available by John Herbert of Arizona Game and Fish, but making it clear that they are not provided for research purposes but to help avoid take (absence of research should avoid need for a permit). The letter also should state that the availability of the frequencies will in no way guarantees that a take violation of Section 9 of ESA will not occur. A transmitter might stop functioning and the animal could still be in the impact area. Other antelope, without transmitters, may also be in the impact area. Only Nancy can authorize the transfer of the frequencies. We probably should include in the subject letter the statement you mentioned that the letter does not constitute permission to make and irreversible or irretrievable commitment of resources with respect to the agency action. The Air Force initiated formal consultation in September on the mission at Barry M. Goldwater Air Force Range. Section 7(d) of the Endangered Species Act says "After initiation of consultation required under subsection (a)(2), the Federal agency and the permit or license applicant shall not make any irreversible or irretrievable commitment of resources with respect to the agency action which has the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures which would not violate subsection (a)(2).